IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT KANSAS CITY

EMILY RIEGEL, ET AL.,)	
Plaintiffs,)	
)	
)	Case No. 1816-CV12977
v.)	Division 18
)	
DAVID JUNGERMAN, ET AL.,)	
Defendants.)	

JUDGMENT

On the 13th day of May, 2019, the Court held a hearing on the General Receiver's *Second Motion for Show Cause Hearing*, filed May 6, 2019. The Court, after reviewing the motion and response, considering the arguments of the parties, and being fully advised on the law and premises, hereby issues the following Judgment:

- 1) The General Receiver filed his Second Motion for Show Cause Hearing on May 6, 2019.
- 2) The Court issued its *Order* on May 6, 2019, setting the matter for hearing.
- 3) The Court issued a second *Order* on May 7, 2019, resetting the hearing time and date.
- 4) The Court issued its *Amended Order and Notice of Hearing* on May 9, 2019, providing additional notice of the purpose of the show cause hearing.
- 5) The Court finds that attorney Nicole Forsythe has violated the spirit, but not the letter, of the Court's April 5, 2019 *Order* (hereinafter "The Order") which limited attendance at the General Receiver's examinations under oath and required confidentiality.
- 6) Attorney Nicole Forsythe has admitted to asking attorney Stephen Millin to violate The Order and discuss the deposition held May 1, 2019, which would have violated the confidentiality provision of The Order.

7) The Court finds attorney Nicole Forsythe's attempt to obtain information about the confidential examinations was done contumaciously and in bad faith.

8) Attorney Nicole Forsythe has previously admitted in open court to not cooperating with and obstructing the Court's appointed General Receiver.

9) The Court finds attorney Nicole Forsythe's non-cooperation with the General Receiver and obstruction of the General Receiver was done contumaciously and in bad faith.

10) The Court has the inherent power to sanction bad faith conduct.¹

11) Notice and an opportunity to be heard were provided to attorney Nicole Forsythe via the *Amended Order and Notice of Hearing*, issued May 9, 2019, and the hearing held on May 13, 2019.

12) The Court hereby sanctions attorney Nicole Forsythe **TEN THOUSAND DOLLARS** (\$10,000.00) for her bad faith conduct in this matter.

13) The Court finds the sanction to be reasonably necessary to protect the Court's orderly administration of its business, namely reasonably necessary to allow the General Receiver to perform his duties as an arm of the Court.

14) The Court hereby Orders that attorney Nicole Forsythe remit sanction in the amount of **TEN THOUSAND DOLLARS** (\$10,000.00) to the General Receiver, who shall deposit this sanction into the account in which Defendants' sanctions are deposited. The sanction shall be remitted to the General Receiver within forty-five (45) days of issuance of this Judgment.

IT IS SO ORDERED.

May 14, 2019
Date

HONORABLE KEVIN DUANE HARRELL

¹ See McLean v. First Horizon Home Loan, Corp., 369 S.W.3d 794, 801 (Mo. App. 2012).

CERTIFICATE OF SERVICE

A copy of the foregoing was delivered to:

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Law Clerk, Division 18